

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 Paoli Pike  
October 6, 2009 – 7:00pm  
Final Approved Minutes**

**Present:** Chairman Marty Shane, Vice-Chairman Carmen Battavio, Don McConathy and Thom Clapper. Supervisor Joe McDonough was absent. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, Jim McRee (Deer Committee), and Kathryn Yahraes (Historical Commission). Township Solicitor Skip Brion was also present.

## **WORKSHOP**

### **Review of Minutes**

The draft minutes of September 22 were reviewed and corrected.

### **Bills**

The Treasurer's Report and Expenditure Register Report were reviewed. Marty would like Joe Gill to set up a system to keep track of the education and training courses taken by Township employees.

### **Alarm Ordinance**

Don reminded everyone that the Board is supposed to review items requiring action the week before action is required.

Don had a number of issues with the ordinance as written. Why do we care if someone installs an alarm system other than to collect a fee? How do we know that the current alarm systems are hooked up correctly? Why don't existing alarm systems have to comply with this ordinance? Furthermore, Don would like the Fire Marshal and Emergency Management Coordinator to review the ordinance again since there have been a number of changes to the original draft they reviewed.

Don and Marty believe the Township should proactively notify alarm owners of the changes to the ordinance via letter. Thom and Carmen are in favor of saving postage and only alerting alarm owners who generate false alarms. In doing so the offenders would receive one extra free false alarm before being fined.

Marty, Carmen and Thom said they were in favor of approving the ordinance during the formal meeting this evening. Don said he would oppose it on principle.

### **Agenda Review**

The agenda for the formal meeting was reviewed.

### **Policy for Eagle Scout Projects**

The Board made changes and recommended additions to the draft resolution. Rick will revise the resolution and redistribute it for review.

### **Collection Process for Non-Utility Accounts Receivable**

The Board reviewed the September 24, 2009 memo from Rick on this topic and made one change.

### **Loader for Public Works Department**

The Board agreed to table this matter until October 13, when Mark Miller will be present.

### **Park Ordinance Restriction on Firearms**

Marty noted that the word “discharge” must be removed from the ordinance.

### **Video Detection System at West Chester Pike & Goshen Meadows**

The Board reviewed Mark Miller’s September 25, 2009 recommendation to install a video detection system at West Chester Pike & Goshen Meadows to replace the failed loop system. The video detection system will cost \$3,961.00 and is a budgeted item. The Supervisors agreed that Mark should make this purchase.

## **FORMAL MEETING**

### **Call to Order & Pledge of Allegiance**

Chairman Marty Shane called the meeting to order at 8:03pm and led everyone in the Pledge of Allegiance to the Flag.

### **Recording of Meeting**

Resident Abbas Rahbari of 1613 Manley Road said he reserved the right to record and/or transmit the meeting due to his complete lack of trust in East Goshen’s elected officials.

### **Moment of Silence**

Carmen called for a moment of silence to honor the men and women serving their country in the armed forces and their families, including the troops that came back to Dover Air Force Base earlier today.

### **Announcements**

Marty announced that public comment on non-agenda items would be taken at the end of the meeting. He also announced that the Supervisors would meet in Executive Session after the meeting to discuss police contract negotiations.

### **Approval of Minutes**

Thom moved to approve the minutes of September 22 as corrected in Workshop. Carmen seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the minutes.

## **PUBLIC HEARINGS**

### **Alarm Ordinance**

The Board conducted a public hearing to consider the adoption of an ordinance titled “Alarm Ordinance.” Carmen moved to adopt the ordinance, and Thom seconded the motion. The Board voted 3:1 to approve the motion. (Don was opposed.) A court reporter was present and will provide a complete transcript of the proceedings.

### **Pension Plan for Paid Fire Company Personnel**

The Board conducted a public hearing to consider adoption of an ordinance amending the pension plan for paid fire company personnel. Don moved to adopt the ordinance, and Carmen seconded the motion. The Board voted unanimously to approve the motion. A court reporter was present and will provide a complete transcript of the proceedings.

### **Treasurer’s Report & Expenditure Register Report**

The Treasurer’s Report for October 2, 2009:

	<b>RECEIPTS</b>	<b>EXPENDITURES</b>
<b>GENERAL FUND</b>		
Real Estate Tax	\$ 2,131.39	
Earned Income Tax	\$ 102,046.03	Accounts Payable \$ 545,074.19
LST	\$ 1,000.00	Electronic Payments \$ 55,061.21
Transfer Tax	\$ 0.00	Debt Service \$ 26,496.65
Codes, Park & Rec	\$ 97,898.93	Payroll \$ 86,000.00
<b>Total Receipts</b>	<b>\$ 203,076.35</b>	<b>Total Expenditures \$ 712,632.05</b>
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 0.00
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 12,417.18	\$ 115,787.10
Refuse	\$ 9,217.58	\$ 8,705.91
Capital Projects	\$ 0.00	\$ 0.00

Don moved to accept the Treasurer’s Report of October 2 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices reviewed in Workshop. Carmen seconded the motion. There was no public comment and no discussion. The Board voted and the motion passed unanimously.

### **Agreement Between Chester County Solid Waste Authority and East Goshen Township**

Carmen moved to authorize the Chairman to execute the agreement between the Chester County Solid Waste Authority and East Goshen Township. The agreement allows Chester County to provide processing and marketing services for all recyclable materials generated by residential recycling collection programs within East Goshen. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

### **Resolution 09-51 Regarding Sewer & Refuse Account Collections**

Marty announced that this item would be held pending further revisions.

**Comments from Resident Joe Buonanno Regarding the Placement of a T-Mobile Cell Tower, and the Deer Program**

Mr. Buonanno was not present. Resident Leo Sinclair later informed the Board that Mr. Buonanno was ill and unable to attend.

**Comments from Resident Anne Quinn Regarding the Deer Program**

Anne Quinn of 215 N. Lochwood Lane asked that the Board modify the approved Deer Program in the interest of protecting the health, safety and welfare of East Goshen residents. She made the following points:

- Hunting is a dangerous and reckless activity.
- Hunters in the Deer Program are allowed to shoot weapons within 50 feet of residents' backyards, which is an inadequate safety zone.
- Data from the Pennsylvania Game Commission (PGC) shows that 40% of hunting accidents are due to hunters not seeing a person within range of their weapon.
- The Township is not adequately overseeing the program, but is instead relying on hunter-provided reports.
- Hunters are permitted to conduct hunting-related activity from 4:00am to 10:00pm every day of the week, which is unacceptable.
- PGC regulations, which the Township says it follows, were developed with State Game Lands in mind, not residential open space.
- The WEGO police informed her they cannot and will not enforce PGC regulations. The PGC told her it takes them 48-72 hours to respond to a complaint.

Don told Mrs. Quinn that hunting is permitted ½ hour before sunrise and ½ hour after sunset.

Carmen said he's met the hunters and randomly checked on them and he feels the Township has a very responsive, responsible group of hunters.

*Public Comment: Leo Sinclair, 217 N. Lochwood Lane* – Had a question about an email resident Joe Buonanno sent to the Board. Marty asked him to please wait until the public comment period to address this issue.

*Public Comment: Abbas Rahbari 1613 Manley Road* – Asked the Board to clarify who is in charge of enforcing hunting safety – the local police or the Game Commission. He stated he is not comfortable with the cozy relationship the hunting groups seem to have with some members of the Board. The Township is opening itself up to litigation.

Thom asked Mrs. Quinn which PGC regulation she noticed being violated that prompted her to call the police. Mrs. Quinn said hunting activity was taking place on a Sunday.

*Public Comment: Ron Zeleski, 218 N. Lochwood Lane* [Speaking through an interpreter] - Said he thinks an area should be closed off before a hunt occurs. He asked when all the hunting will stop, and how long will this Deer Program go on. He said the Township is not listening to the residents' concerns.

Jim McRee, Chairman of the Deer Committee, said the police will investigate any hunting incidents they are called about, and they will pass the information along to the PGC. However, it's true the police cannot enforce PGC regulations. As an illustration, Jim said this evening at 7:45pm Leo Sinclair informed him there was a white truck parked in the Supplee Valley and he suspected hunting activity. Jim said he immediately called the police after speaking to Leo. The police got back to him at 8:03pm and told him they had swept the area and saw nothing. Jim said he was very pleased with the timely response from the police and their willingness to investigate safety concerns.

Don asked Jim if the hunting groups can be in the areas on Sundays even though it's not a hunting day. Jim said yes, they are permitted there on Sundays to do other things such as maintain their treestands, etc.

Mrs. Quinn asked Carmen what he meant when he referred to the hunters as "professional" in a previous statement. Carmen said he considers someone who puts in the kind of time and has the skill level required by the hunting groups to be close to what he would call professional. They are people who take a lot of pride in what they do, and do it well. Mrs. Quinn said she does not agree with Carmen's definition of "professional," because if that definition were true, she could call herself a "professional" automobile driver.

*Public Comment: Abbas Rahbari 1613 Manley Road* – Asked Carmen if the hunters have been subjected to criminal background checks and mental health screenings. Carmen said he could not recall. Mr. Rahbari then posed the question to Mr. Brion. Mr. Brion said the question would have to be asked of Jeff Sommers, who has acted as the Township's Solicitor on Deer Program issues. Mr. Rahbari then asked Jim McRee. Jim said that some of the hunters (those in 3 out of the 4 groups) have had police-type background checks, but not mental health screenings. He noted that background checks are not required under the Township's program.

*Public Comment: Leo Sinclair, 217 N. Lochwood Lane* – Asked if Zones A and B of Bowtree are being hunted this year. Jim said Zone A has been closed to hunting, and he would have to check about Zone B.

Anne Quinn asked if a safety concern was the reason Zone A was closed to hunting. Marty said no; it was closed because hunters were simply not hunting that Zone. Mrs. Quinn then requested that Zones E and F in Supplee Valley be closed due to safety considerations. Marty noted that Zones C and D in Supplee are closed.

*Public Comment: Ron Zeleski, 218 N. Lochwood Lane* [Speaking through an interpreter] - Asked if he has the right to ask hunters near his home to leave the area. Marty said residents are permitted in the open spaces but they should not ask hunters to leave if they are part of the East Goshen program and if they are hunting within the rules of the Deer Program. Mr. Zeleski said all Zones need to be closed. Enough is enough. Marty said that hunters cannot hunt on private property or in the safety zones, or if someone is within 150 feet. Also, they cannot shoot their arrows toward private property or within the safety zone. Mr. Zeleski said hunters have been in his backyard and they are destroying it. Furthermore, the hunting structure they created is

visually offensive to him. Marty said if the hunters are actually on Mr. Zeleski's private property he has every right to call the police or the PGC.

Jim McRee said Mr. Zeleski's property boundary was marked by the Public Works Department and the markings were reviewed with Mr. Zeleski. Don asked Mr. Zeleski if he is aware the hunting schedules are posted on the web. Mr. Zeleski said yes but he doesn't generally like to look at the hunting schedule because it upsets him. In regard to the structure Mr. Zeleski referred to, Jim noted that some of the hunters have put up hunting blinds.

Marty said the Board held two public meetings in June about the Deer Program which were very poorly attended. The second meeting was actually scheduled specifically to accommodate Mrs. Quinn's schedule; however, she did not attend. At the meetings the Board discussed implementing the changes to the Deer Program for the 2009-2010 season as recommended by the Deer Committee. The Deer Committee did their best to incorporate residents' suggestions in their recommendations. Marty said the Board has authorized the Deer Program for the current season, and the Supervisors think the program has been very successful and safe.

Marty said he attended the regular monthly meeting of the Deer Committee in September. A representative from the PGC was there along with a biologist. No residents were in attendance to express concerns. Marty said that during the meeting the PGC told the Deer Committee they thought the East Goshen program to be very safe. When specifically asked for recommendations, the PGC representative said they had no suggestions for improvement to the program.

Marty asked that any other recommendations or suggestions from residents on how to improve the safety of the deer program be forwarded directly to the Deer Committee.

Marty suggested that residents interested in receiving updates and notices of when the topic would be on the agenda should consider signing up for Constant Contact on the Township website.

### **Correspondence & Reports of Interest**

Marty acknowledged a *Daily Local News* article complimenting the Public Works Department.

### **Meetings & Dates of Importance**

Marty noted the upcoming meetings as listed in the agenda.

### **Public Comment Period**

*Public Comment: Leo Sinclair, 217 N. Lochwood Lane* – Said that Joe Buonanno was home ill and could not attend the meeting. Mr. Sinclair asked if the Township is planning to have a cell tower put up behind the Township building. Marty said T-Mobile has asked the Township to consider doing so, but no decision has been made. Mr. Sinclair asked if the [elementary] school will be notified if a tower is going to be installed, and Marty said yes.

*John Schorn, Larch Lane* – Asked if there were any updates on the Sunoco issue. Marty said there was no update beyond the letter the Township sent to Sunoco about a week ago. Mr.

Schorn said he talked to Lauren Mapleton at DEP again, and she said Sunoco is going to supply DEP with a marked-up Google Earth shot of the area. Ms. Mapleton told John she would share it with the Township. Mr. Schorn said he got his well tested and there was no MBTE, but there was some isopropyl alcohol. Thom said that is rubbing alcohol. Mr. Schorn said it's also a gasoline additive. Carmen(?) asked Mr. Schorn if he had a range of limits for that substance and Mr. Schorn said no. Mr. Schorn noted that one of the side effects of the isopropyl alcohol is apparently headaches. He said he and his wife have both had headaches since moving into their home, although he is not sure if it's related to the water or not. He also stated that he only lets his young son drink bottled water, and he is not permitted to bathe in the well water. Mr. Schorn said the contamination problem is not going to be over as soon as Sunoco starts to clean it up. He noted that in drilling additional testing wells, Sunoco may be causing the problem to migrate to other wells. He also stated that someone from the Board of Health told him another Sunoco station had a plume of contamination move ½ mile. Mr. Schorn said the Township should notify other residents so that they can have the opportunity to get their wells tested. He gave a copy of his water report to the Board and said he would permit the Township to make it a public document.

Carmen asked Skip Brion if he had been briefed on this issue by the staff. Skip said he has had some conversations with Rick, but has not reviewed any documents. Carmen asked that the staff provide Skip with all the necessary documents and information to bring him up to date on this matter, and that Skip then provide a recommendation to the Board.

Marty thanked Mr. Schorn for providing the information to the Board and for keeping the issue alive.

Mr. Schorn asked if the Township is considering raising taxes in 2010. Marty said the Board has not gotten that far yet in their budget discussions, but will soon.

*Public Comment: Abbas Rahbari 1613 Manley Road* – Said he has been researching the well contamination issue and he has a copy of the report from Environmental Alliance. MBTE is a carcinogenic, highly toxic substance. He said Resident Carol Navarro has also had her well tested and he has a copy of the report. Mr. Rahbari said the public has a right to know what is in their water. The Township has an obligation to notify the residents there is a potential problem. Mr. Brion told Mr. Rahbari that residents have the right to get their own wells tested any time they wish. He said his concern is what the Township's next step is, and that is why the Township recently sent another letter to Sunoco. Mr. Rahbari said the Township should be able to come up with a solution, since they have the services of a distinguished attorney, as well as a plumber and a chemist on the Board. Mr. Brion told Mr. Rahbari that he was not going to debate this evening how the Township should proceed until he has a chance to look at the reports he just received this evening. Mr. Brion said his concerns are finding out how many wells are involved, determining whether all the taxpayers of East Goshen should pay for notification and well testing for the affected residents, and what is the immediate fix.

*Public Comment: Leo Sinclair, 217 N. Lochwood Lane* – Wanted it noted for the record that Carol Navarro's property is located near an Exxon station.

Don said the Township received a copy of the Environmental Alliance report in late August. There is no collaborating evidence that the substances found in the Schorn and Navarro wells are in any way related to Sunoco's activities or whether these results are even within or outside the range of normal.

Marty told Mr. Rahbari the Board will wait for the solicitor's recommendation before proceeding.

Don noted that the Health Department is in charge of water quality. Mr. Rahbari said it is the Township who is in charge of the health, safety, and welfare of its residents.

*Public Comment: John Schorn, Larch Lane* – Noted for the record that the testing lab confirmed that the isopropyl alcohol found in his water was not the result of contamination by the faucet being cleaned with rubbing alcohol prior to the test.

*Public Comment: Dan Truitt, 1430 Grand Oak Lane* – Said he reviewed the data and it appears the contamination is traveling northeast, not south. He then said something about Sunoco Well #1 (?) Mr. Schorn said that Lauren Mapleton at DEP told him the plume is moving south.

*Public Comment: Marcia Gordon, 3008 Valley Drive* – Asked if there is any chance of contamination getting into the municipal water supply. She said the concern with water contamination is not just in drinking it. The skin is the body's largest organ and can absorb things by being washed in contaminated water. Ms. Gordon then said she believes there is low turnout to the meetings where the deer program is discussed because the residents feel the Board pays very little attention to their concerns. Marty said the fact that the Board doesn't do what everyone suggests doesn't mean the Board isn't listening. Ms. Gordon said that other people have told her, and she has observed herself, that the Board gives very little eye contact to residents expressing concerns with the deer program, and while the residents are speaking the Board members are noticed to be talking among themselves, reading, snoozing, etc.

### **Park Ordinance Restriction on Firearms**

Marty asked Skip to speak to the issue raised by resident Pat Comer on September 22. Skip confirmed what Marty had said earlier during Workshop, that the word "discharge" must be removed from the ordinance.

### **Adjournment**

There being no further business, the meeting adjourned at 9:36pm.

## **WORKSHOP (Resumed)**

### **Metered Billing Update from Don**

Don gave an update on the progress of the Metered Billing project.

### **Additional Workshop For October**

The Board agreed to hold an additional Workshop meeting on October 28 to discuss the 2010 budget. The meeting will begin at 9:00am and will be open to the public.



**October 27 Workshop**

Marty noted that the Board would discuss the 3<sup>rd</sup> quarter budget numbers at the October 27 meeting, in addition to the other items planned for the agenda.

**Adjournment**

The workshop was adjourned at 10:28pm.

**EXECUTIVE SESSION**

The Board met in Executive Session until 11:00pm to discuss the police labor contract.

Respectfully submitted,

Anne Meddings  
Recording Secretary